

**Amendments to the Specification:**

Please amend the specification as follows:

Please replace paragraph starting at page 5, paragraph number 0019, with the following rewritten paragraph:

[0019] In yet another embodiment, a sol-gel method is employed to create the positive active material. Acetates of lithium, nickel, manganese, and A are employed as starting materials; and glycolic acid/tartaric acid solution is used as a chelating agent. Appropriate amounts of lithium acetate, nickel acetate, manganese acetate, A-acetate (or A-nitrate; A = Mg, Zn, Al, Co, Ga) are dissolved in distilled water. A glycolic/tartaric acid solution is ~~added~~ added for use as a chelating agent. The pH of the resulting solution is adjusted to about 7~8, preferably using ammonium hydroxide. The solution is continuously stirred and heated, preferably on a hot plate to form a gel precursor. The gel precursor is decomposed at about 450C about for about 5 hours in air to form a decomposed powder. The calcinations are preferably carried out in a temperature range from about 900C to 1100C for about 10-24 hours in air or nitrogen/oxygen mixture atmospheres. This is followed by a rapid quenching into liquid nitrogen.